

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

EDDIE EARL PHILLIPS

PETITIONER

v.

CIVIL ACTION NO. 1:19-CV-243-LG-RHW

JOE ERRINGTON

RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING MOTION TO DISMISS**

For the reasons stated in the [14] Report and Recommendation of the Magistrate Judge filed November 21, 2019, and after an independent review of the record, a de novo determination of the issues, consideration of Petitioner's [16] Objection to the Report and Recommendation, and Respondent's [17] Response, having determined that the Magistrate Judge's findings are correct under applicable law:

IT IS ORDERED AND ADJUDGED that the [14] Report and Recommendation of the Magistrate Judge is **ADOPTED** as the findings and conclusions of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the [9] Motion to Dismiss filed by Respondent is **GRANTED**. The Petition is **DISMISSED with prejudice** as untimely.

SO ORDERED AND ADJUDGED this the 28th day of January, 2020.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE